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4-5-01
Attorney Docket P1003R1C1D1
PATENT

CERTIFICATION UNDER 37 CFR 1.10	
<u>EL 599 585 468 US</u> : Express Mail Number	<u>April 4, 2001</u> : Date of Deposit
<p>I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.</p> <p> Wendy M. Lee</p>	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Robert Akita, Hayward, California
Mark Sliwkowski, San Carlos, California

Title: ISOLATED NUCLEIC ACIDS, VECTORS AND HOST CELLS ENCODING ErbB3
ANTIBODIES (AS AMENDED)

1. Type of Application

- This application is for an original, non-provisional application.
- This is a non-provisional application claiming priority to provisional application no. _____, filed _____, the entire disclosure of which is hereby incorporated by reference.
- This is a continuation-in-part continuation divisional application claiming priority to application Serial Number 09/316,981, filed May 24, 1999, the entire disclosure of which is hereby incorporated by reference.

2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)
(Non-provisional)

- 53 pages of specification
- 2 pages of claims
- 1 page(s) of abstract
- 2 sheet(s) of drawings
- [X] formal informal

3. Declaration or Oath

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)

- An executed declaration of the inventor(s) [] is enclosed [] will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)

- A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)

- A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. Assignment

(for new and CIP applications)

- An Assignment of the invention to GENENTECH, INC. [] is enclosed with attached Recordation Form Cover Sheet [] will follow.

(for cont./div.)

- The prior application is assigned of record to Genentech, Inc.

5. Amendments (for continuation and divisional applications)

- Cancel in this application original claims__ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

- A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

- Amend the specification by inserting before the first line the sentence:

--This is a

- non-provisional application
 continuation
 divisional
 continuation-in-part

of co-pending application(s)

- Serial No. __ filed on __, which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120. --

- International Application __ filed on __ which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC

_____ §120.--
 _____ provisional application No. _____ filed_____, the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.--.

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
Total Claims	51	- 20 =	31	X \$18.00	\$558.00
Independent Claims	8	- 3 =	5	X \$80.00	\$400.00
Multiple dependent claim(s), if any				+ \$270.00	\$0.00
Filing Fee Calculation					\$1,668.00

7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$1,668.00. A duplicate copy of this transmittal is enclosed.

8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630 A duplicate copy of this sheet is enclosed.

9. Additional Papers Enclosed

- [X] Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and a copy of one reference.
- [X] Letter and Request to Use Computer-Readable Sequence Listing under 37 CFR §1.821(e).
- A new Power of Attorney or authorization of agent.
- Other:

10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)

[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]

- _____ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- _____ A copy of the petition for extension of time in the **prior** application is attached.

11. Correspondence Address:

X Address all future communications to:

Attn: Wendy M. Lee
Genentech, Inc.
1 DNA Way
South San Francisco, CA 94080-4990
Telephone No. (650) 225-1994
Facsimile No. (650) 952-9881

Respectfully submitted,
GENENTECH, INC.

By: 
Wendy M. Lee
Reg. No. 40,378

Date: April 4, 2001



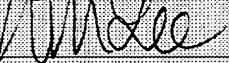
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PATENT TRADEMARK OFFICE

JCG29 U.S. PTO
09/825584
04/04/01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of Robert Akita et al. Serial No.: To Be Assigned Filed: April 4, 2001 For: ISOLATED NUCLEIC ACIDS, VECTORS AND HOST CELLS ENCODING ErbB3 ANTIBODIES (AS AMENDED)</p>	<p>Group Art Unit: To Be Assigned Examiner: To Be Assigned</p> <p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on</p> <p>April 4, 2001</p> <p> Wendy M. Lee</p>
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LETTER AND REQUEST TO USE COMPUTER-READABLE SEQUENCE LISTINGUNDER 37 CFR §1.821(e)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicants respectfully request that the compliant computer-readable Sequence Listing filed in application Serial No. 08/827,009 be used as the computer-readable Sequence Listing for the present, above-identified application.

The paper copy of the Sequence Listing filed in the present application is identical to the computer-readable copy of the Sequence Listing filed in the application Serial No. 08/827,009 .

Respectfully submitted,

GENENTECH, INC.

By: 
Wendy M. Lee
Reg. No. 40,378
Telephone No. (650) 225-1994

Date: 4/4/01



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